

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA
CIVIL ACTION NO. 22-cv-81766-CIV-CANNON

ANDREW HORACE,

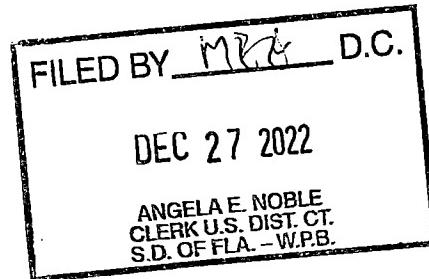
Plaintiff,

v.

ARIA (Addiction Recovery Institute of America), Evernia Health Center, LLC, American Treatment Holdings INC and Ethema Health Corporation

C/o Shawn Leon

Defendant.



NOTICE OF INTENT TO PROCEED AS PRO SE/RESPONSE TO ORDER DOCKET 12/7/22
AND MOTION TO PROCEED ON AMENDED COMPLAINT

COMES NOW, Plaintiff, by and through the undersigned counsel. Plaintiff sues ARIA (Addiction Recovery Institute of America), Evernia Health Center, LLC, American Treatment Holdings, INC and Ethema Health Corporation. Plaintiff states as follows:

ARGUMENT:

1. Plaintiff's Opposition is Factual

The Nature of Plaintiff's claim falls under The Florida Civil Rights Act of 1992 based on Race/Gender Discrimination. The removing party (counsel) failed to identify the correct nature of Plaintiff's claim in the Status Removal Report. Counsel/Defendant knew beforehand that Plaintiff's Charge of Discrimination was Race. This is questionable to why Counsel did not mark 442 Employment Civil Rights in the Status Removal Report? Race is clearly stated in Plaintiffs EEOC Charge of Discrimination! *See exhibit 1x, Charge of Discrimination and along with exhibit 2x Notice of Rights to Sue. In addition, see exhibit 3x (wage Attorney/Shaw Leon!)* Therefore,

Plaintiff cannot conform to the requirements of FLSA. *Defendant misfiled its Status Removal Report which is a deficiency, knowingly Plaintiff's Charge of Discrimination is Race and other elements under Race.* Plaintiff's Amended Complaint serves as the response for order on docket entered FLSD 12/7/22. Plaintiff was unable to file timely within 14 days Pursuant to Southern District Florida Local Rule 7.1 (c) (1) after filing and service of Defendant's Motion, Plaintiff apologize.

Next, in Counsel's verbiage; Plaintiff's mudslinging accusations against separate and distinct entities, such as Evernia Health Center, LLC – based solely on the filing of a Fair Labor Standards Act case more than three years; Case 9:22-cv-81766-AMC Document 13 Entered on FLSD Docket 12/19/2022

Page 2 of 4 3 ago - has absolutely no bearing on the claims Plaintiff is trying to assert here and should also be disregarded. Plaintiff's ridiculous attempt to accuse the world of his perceived wrongs should be rejected;

First, nothing is mudslinging when Plaintiff's facts prove otherwise! Secondly,

Defendant has already proven to the world of its wrongdoing in the filing of; Lopez V. Evernia

Health Center, LLC case which is public! Counsel defense make no sense. Also, it doesn't matter if

Lopez case was filed 3, 4 or 10 years ago, it still has relevance to Plaintiff's claim (ex) wage theft!

However, years later Defendant continued its unlawfully employment behavior/practices under its

new name *ARIA*. Consequently, under ARIA the Defendant did not only commit wage theft again but

race/gender discrimination, disparate treatment along with a hostile environment which caused

plaintiff to voluntarily separate due to dishonesty, race/gender discrimination, disparate treatment,

wage theft, hostile environment and unethical business practices the Plaintiff witnessed. Having said

that that makes it ***plausible!*** Plaintiff will ask this Court to compel records and subpoena current

employees as this case progress. Due to Defendants repeated unlawful discrimination acts, its Motion

must be stricken. Furthermore, counsel failed to realize the pay-stubs entered were not to submit a

claim but to show ***disparate treatment*** in pay of how Plaintiff was treated differently by working

significantly less than a non-black employee who is a woman that held the same title as a Behavioral

Health Technician. In addition, intentionally changing of Plaintiff's pay-rate twice without his

consent, in further proving *disparate treatment*. Also, *another lie* that was told to Plaintiff was that he wasn't charged for raw fish. The meals range between 10.00 -12.00 dollars. The meal deduction was 23.32 (two meals) on the third paycheck, which means *I was charged for raw fish* and never refunded! Defendant stated Plaintiff was. At this point, the Defendant's continued dishonesty has became a disgrace to the United States District Court of Southern District of Florida and the Constitution as a whole and its Motion must be stricken.

Nothing is perceived wrong, when the evidence is cemented!

II. Judicial System

The court systems of local, state, and federal governments, responsible for interpreting the laws passed by the legislative branch and enforced by the executive branch. These courts try criminal cases (in which a law may have been violated) or civil cases (disputes between parties over rights or responsibilities). The courts attempt to resolve conflicts impartially in order to protect the individual rights guaranteed by the Constitution, within the bounds of justice, as defined by the entire body of U.S. law.

WHEREFORE: Plaintiff moves this Honorable Court for an Order striking Defendants Motion against Plaintiff Amended Complaint. Plaintiff demands trial by Jury, judgment, punitive damages, compensate him for past and future pecuniary losses, disparate treatment caused by Defendants discriminatory treatment in an amount to be determined at trial and in accordance with the *Florida civil Rights act of 1992 Sections 760.01-760.11 and 509.092* and any other relief the Court deems appropriate and just.

CONCLUSION

The Constitution of the United States;

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 27, 2022, I filed the foregoing document with the United States District Court for the Southern District of Florida and emailed a true and correct copy to Counsel of Defendant,
/s/ Kenneth M. Rehns Kenneth M. Rehns, Esq. Florida Bar No. 1003357
krehns@warddamon.com

Andrew Horace



Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

FEPA
 EEOC

2200152

15M-2022-00042

Palm Beach County Office Of Equal Opportunity

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Home Phone (Incl. Area Code)

Date of Birth

Mr. Andrew Horace

Street Address

City, State and ZIP Code

3714 East Sandpiper Drive, Boynton Beach, FL 33436

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

No. Employees, Members

Phone No. (Include Area Code)

ARIA

15 - 100

(844) 929-0868

Street Address

City, State and ZIP Code

950 Evernia Street, West Palm Beach, FL 33401

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

02-09-22

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY GENETIC INFORMATION
 OTHER (Specify)

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I believe that I have been discriminated against because of my race (African American) in violation of Article VI, Sections 2-261 thru 2-313 Palm Beach County Code (the Palm Beach County Equal Employment Ordinance), as amended, Title VII of the Civil Rights Act of 1964, as amended, and the Florida Civil Rights Act of 1992, as amended, for the following reasons:

1. I worked for the employer named above as a Behavioral Health Technician since December 2021 until I was compelled to resign on February 9, 2022.
2. The terms and conditions of my employer's rules and regulation were different from my White co-worker. Other African American employees were treated in the same manner.
3. I believe these actions were taken against me because of my race (African American).

Exhibit IX

22 MAR 2022
Palm Beach County
Equal Opportunity
Commission

I want this charge filed with both the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

3/23/22

Date

Charging Party Signature

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Miami District Office
100 SE 2nd St, Suite 1500
Miami, FL 33131
(800) 669-4000
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 12/21/2022

To: Andrew Horace
3714 East Sandpiper Drive
Boynton Beach, FL 33436

Exhibit 2X

Charge No: 15M-2022-00042

EEOC Representative and email: Frank Hernandez
State, Local and Tribal Program Manager
frank.hernandez@eeoc.gov

DISMISSAL OF CHARGE

The EEOC is closing this charge because: CP filed in court.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated your charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice**. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By:Evangeline Hawthorne
12/21/2022

Evangeline Hawthorne
Acting District Director

Addiction and Recovery Institute of
America, LLC d/b/a ARIA and
Evernia Health Center LLC d/b/a ARIA
c/o Shawn Leon
President and CEO
1590 S. Congress Ave.
West Palm Beach Florida 33406

5/7/22, 1:49 AM

Mail - A L - Outlook

Outlook Search

New message Reply Delete Archive Junk Sweep Move to Categorize

Your browser supports setting Outlook.com as the default email handler. Try it now Ask again later Don't show again

Folders

- Inbox** 29
- Junk Email** 13 NS Natalie Staroschak <nstaroschak@legalaidpbc.org> Fri 5/6/2022 2:11 PM To: You Cc: Miriam Jarrett
- Drafts**
- Sent Items** 1 Andrew,
- Deleted Items** 788 See email sent below. Have a great weekend.
- Archive**
- Notes**
- Conversation History**
- Unwanted**
- New folder

> Groups



IF THIS EMAIL CONTAINS OR REFERENCES SETTLEMENT NEGOTIATIONS, OR IS IN ANY WAY AN ATTEMPT TO NEGOTIATE A SETTLEMENT, IT IS A CONFIDENTIAL SETTLEMENT NEGOTIATION AND NOT ADMISSIBLE IN COURT

From: Natalie Staroschak
Sent: Friday, May 6, 2022 1:08 PM
To: Shawn Leon <s.leon@ariafl.com>
Cc: Miriam Jarrett <mjarrett@legalaidpbc.org>
Subject: Andrew L. Horace (22-0144769)

Shawn,

My Client is willing to accept the check for a total of around \$65-\$66. I want to clarify that this is a resolution ONLY for the wage dispute and does not have anything to do with any other claim. This does not represent any resolution aside from anything but the taxation issue. With that said, upon receipt of the check to our office we will close out this claim on our end. Please confirm and send the check to me at my office at the address listed in my signature block.

Thank you,

Natalie Staroschak, Esq.
 Attorney at Law
 Legal Aid Society of Palm Beach County, Inc.
 423 Fern Street, Suite 200
 West Palm Beach, FL 33401
 Direct Phone: 561-822-9897
 Phone: 561-655-8944, Ext. 155
 Fax: 561-655-5269
 e-mail: nstaroschak@legalaidpbc.org
 website: www.legalaidpbc.org



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